

REMARKS

The Office Action dated December 17, 2009 in the form of a Restriction Requirement has been reviewed and the Examiner's comments carefully considered. In the Office Action, the claims have been restricted under 35 U.S.C. §121 as follows:

Group I: Claims 13-22, drawn to a method of processing green coffee beans.

Group II: Claims 23-31, drawn to a method of processing coffee berries.

The Examiner asserts that the claims lack unity of invention since the inventions listed in Groups I and II do not relate to a single general inventive concept because they lack the same or corresponding special technical features. The Examiner asserts that the technical features of Group I, which involve processing husked coffee berries that consist of green coffee beans/seeds and fermenting with nutritive substances, are not shared with the method of Group II, which involves processing the whole coffee berry, including the pulp and the seed, and also includes a refining step.

The Applicants hereby provisionally elect for further prosecution the invention of Group I, claims 13-22, drawn to a method of processing green coffee beans.

The election is made **with** traverse for the reasons set forth below.

The Applicants assert that both groups of claims possess the same or a corresponding special technical feature, specifically, fermentation of green coffee beans/seeds through contact with a nutritive substance and microorganisms. Both specifically recite exposing the green coffee bean/seed, either alone or as part of the coffee berry, to microorganisms during the fermentation process. While the Group I claims specifically recite the presence of the nutritive substance during fermentation, the Group II claims do not. However, a nutritive substance is inherently part of the Group II claims. As explained in the specification, the nutritive substance in the case of the Group II claims is the coffee pulp (paragraph [0076]). Thus, the Group II claims also have the special technical feature of fermentation of the green coffee bean/seed through contact with a nutritive substance (coffee pulp) and microorganisms. Since the two inventions possess the same or a corresponding technical feature, the requirement of unity of invention is satisfied.

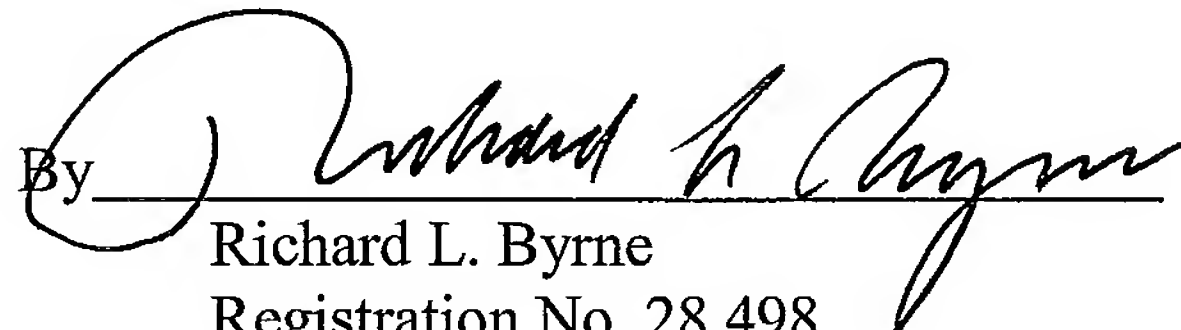
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In addition, unity of invention was found for the PCT application for which the present application is the U.S. national phase. Therefore, the claims in the present application, which are substantially similar to those of the PCT application, should also have unity of invention.

In view of the foregoing, withdrawal of the Restriction Requirement between Groups I and II is respectfully requested. However, should the Restriction Requirement be maintained, Applicants reserve their right to file a divisional application or take such other appropriate measures as they deem necessary to protect their inventions lying within Group II.

Respectfully submitted,

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